

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,

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Plaintiff,

vs.

Case 2:06-cv-00072-DF-CMC

Civil Action No. 2:06cv72
Document 80 Filed 06/01/2006

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WELLS FARGO & COMPANY; ET AL.

Defendants.

**HSBC BANK USA, N.A.'S MOTION TO DISMISS, OR IN THE ALTERNATIVE,
FOR MORE DEFINITE STATEMENT**

Defendant HSBC Bank USA, N.A. ("HSBC Bank"), hereby moves pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss Counts 1 through 5 of Plaintiff DataTreasury Corporation's ("DTC") First Amended Complaint for Patent Infringement for failure to state a claim upon which relief may be granted. In the alternative, Defendant HSBC Bank hereby moves pursuant to Rule 12(e) of the Federal Rules of Civil Procedure for a more definite statement of DTC's claims.

Pursuant to Rule 10(c) of the Federal Rules of Civil Procedure and in the interest of brevity, Defendant HSBC Bank relies on and incorporates herein by reference the arguments presented in the Joint Motion of Defendants to Dismiss, or in the Alternative, for More Definite Statement filed on June 1, 2006 (Docket No. 80).

Dated: June 1, 2006

Respectfully submitted,

BOUDREAUX, LEONARD, HAMMOND & CURCIO, P.C.

By: /s/
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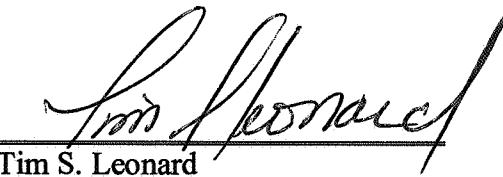
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Certificate of Service

I certify that a copy of HSBC Bank USA, N.A.'s Motion to Dismiss, or in the Alternative, for More Definite Statement was served on June 1, 2006, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).



Tim S. Leonard